

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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The Council meeting of the Borough of Wind Gap on Tuesday, June 19, 2012, was called to order at 7:45 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, John Maher, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker and Borough Administrator Louise Firestone.

Council President, George Hinton informed those present that Council met in Executive Session this evening from 7:00 p.m. to 7:43 p.m. to discuss litigation, but there is nothing to report and no action will be taken at this time.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the June 4, 2012 Council meeting and seconded by John Maher. Roll call vote taken. In favor: T. Curcio, K. Gassler, D. Hess, G. Hinton, J. Maher, J. Weaver. Abstained: J. Faust. Motion carried with a vote of 6-0-1.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of May are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Receipt, Review and Administration of Extension of Time for Official Action in Wind Gap Development . Emerald Forest Major Subdivision.

Land Development Matters: None.

Zoning and Other Land Use Matters: Finalize Resolution on Street Opening Permit Fees and Street Opening Permit. Receipt, Review and Administration of Additional Correspondence from Attorney for Grossbauers re: claim of illegal at-home business.

Developments on Outstanding Litigation: Receipt, Review and Administration of re: Tax Assessment Appeal re Right Pedal Holdings, LLC. Receipt, Review and Administration of Request for Payoffs re: Cunningham delinquent garbage bills (1996 . 2001).

Court Decisions on Borough Cases: N/A.

Miscellaneous: Finalize Ordinance, Advertising and Enclosure Correspondence re: Borough Ordinance No. 479 . International Property Maintenance Code, Preparation of Monthly Solicitor's Report. Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments, Stop Sign Ordinance, Dog Park Ordinance, Fire Company Ordinance, Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) . no action taken and remains pending. Ordinance for loitering, begging and panhandling . pending but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) . pending but inactive.

Ron reported that the Borough received roughly \$2,400 from municipal liens related to garbage from 1996 through 2001 for a property on Roosevelt Street.

Ron explained that the Borough received, as it has over the years, a Stipulation from the Northampton County Solicitor's Office on Real Estate Tax Assessment Appeals, which are generally handled by that office with the Borough not generally getting involved in those appeals. Right Pedal Holdings, LLC (the owner of the Wind Gap bank building), filed an appeal of the real estate tax assessment. Attorney Backenstoe has sent "A Stipulation of Counsel" for Ron's signature on behalf of the Borough. The Fair Market Value for the tax year 2010 has been increased from \$480,100 to \$600,000 and the Assessed Value decreased from \$240,100 to \$178,200, based on the Common Level Ratio of 29.7%. The Fair Market Value for the tax year 2011 shall remain at \$600,000 and the Assessed Value shall increase from \$178,200 to \$191,400, based on the Common Level Ratio of 31.9%. The County believes that it is a fair resolution of that real estate tax appeal.

On motion by John Maher to authorize the Borough Solicitor, Ronold Karasek, to sign the Stipulation on behalf of the Borough and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to approve the May invoice to Martino, Karasek and Martino in the amount of \$2,650.67 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

COMMITTEE REPORTS

1. EMS . Kerry Gassler reported that the Ambulance Corps will be meeting tomorrow, June 20, 2012.
2. Fire Co. . Dave Hess reported that the Fire Company responded to 21 calls for the month of May, 9 accidents, 3 dwelling/structure fires, 3 fire alarms, 2 fire police calls, 2 ambulance assist calls, 1 smoke investigation, and 1 helicopter landing. The Carnival/Picnic Festival will be held on June 29 and June 30 with a rain date of Sunday, June 30, 2012.
3. Zoning . Tony Curcio reported that the Zoning Hearing Board did not receive any applications so no meeting was held in July.
4. Planning . George Hinton reported that no plans were submitted so a meeting will not be held in July.
5. Municipal Authority . John Maher reported that the Authority awarded the contract for their A Street project to RIII Construction Company. He is not sure of their time schedule for completion of their portion of the project. Brian added that he spoke to the Authority's engineer, David Martin, and was informed that they anticipate their contractor will begin the project on June 25, 2012. Brian informed their engineer that if there is significant time lapse in between the time that they do their work and the time the Borough can get in there temporary paving will have to be done, and they are aware of that. George asked when the Pennsylvania American Water Company will be doing their project. Brian stated that they have indicated they will start July 2, 2012.

6. Streets . Dave Hess reported that the street workers replaced the toilet in the Little League building. They will be spending quite a bit of time in the Park starting tomorrow morning. Borough Council received written notification of John Zucal's retirement at the end of this year. Dave asked if this should be discussed in Executive Session. Executive Session can be done at the end of the meeting.
7. Police - Mayor Shoemaker reported that the Police Department responded to 148 calls for the month of May, 7 animal complaints, 16 motor vehicle accidents were investigated and they issued 31 traffic citations and 1 parking ticket. The Pennsylvania State Police, with the assistance of the Wind Gap Police, are investigating a burglary at the Shell Service Station.
8. Park . Joe Weaver reported that the Park Board on Tuesday, June 12, 2012, but unfortunately he was not present due to vacation. They have received \$2,000 in sponsorship for the Summer Sounds. The Blue Valley Times is donating a full page ad and they are splitting the cost of an ad with Pen Argyl Park. They had purchased staff t-shirts for use at the Summer Sounds for when they are collecting monies. They have purchased 1,000 parking passes. To date, they have received one estimate for the gates in the kiddie play area and one estimate for the Lehigh Street gate is \$3,000. The Park Board asked that Dave Valley be given a key to open the gate for the band during the Summer Sounds.
9. 911 . Tony Curcio had nothing to report.
10. Tipping Fees - Tony Curcio reported that there is not change in the report.
11. Building Finance Committee . George Hinton asked Brian how far along he is with completing the survey work for the Lehigh Avenue property. Brian replied that the field work was done, but they had to go back to the property for more monumentation. He should have it for the July meeting.
12. GIS Update. John Maher reported that a meeting was held last Tuesday with the GIS engineer. She downloaded all the work she had completed to date and a zoning spreadsheet for Darlene. Darlene is loading the zoning permits in the GIS system. The data collectors have been a challenge because there have been some software level changes that were needed. John is continuing to work with the engineer to iron out any issues. The software company has a home version that they are selling so John decided to purchase that for his own use so he can become familiar with it and then download any necessary information to the server. This way he will not be interfering other work being done on the office computers during the day.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt COG will meet on Wednesday, June 27, 2012, at 7:00 p.m. at the Blue Valley Drive COG office. There will be a Fire Company Community Days Picnic on June 29 and June 30 at the Wind Gap Borough Park. The community wide yard sale will be July 6, 7, and 8, 2012. He has had several complaints regarding speeding on Lehigh Avenue by the Park. He asked Council if they would consider approving the installation of a stop sign on Lehigh Avenue and Fourth Street. Jon Faust suggested that the police enforce the stop signs that are already there before considering installing more stop signs. George suggested that the Mayor discuss this issue with the Chief and then come back to Council with any ideas. Kerry asked if it would be necessary to do an engineering study and traffic study. Brian stated that a study would have to be done.

The Mayor introduced two selections of banners to be discussed by Council. It would cost 35 cents per postcard to mail to the residents of Wind Gap informing them of the availability of the

banners. If forty (40) or more are sold, the price for the flags would be approximately \$70 for summer and \$70 for winter or \$140, plus \$70 for hardware for a total cost of approximately \$210. He suggested an American flag design with "Welcome to Wind Gap". Joe Weaver suggested putting this information in the Borough newsletter first.

On motion by John Maher to do a Borough wide mailer with the banner information. The motion died for a lack of a second.

On motion by John Maher to form a banner committee and seconded by Jon Faust. Roll call vote taken. In favor: G. Hinton, J. Maher, J. Weaver, T. Curcio, J. Faust. Opposed: D. Hess, K. Gassler. Motion carried with a vote of 5-2.

Dave stated that he believes that it is an okay idea, but this is the wrong time. Council has listened to people complaining that they cannot have signs for the last several meetings and now the Borough will be doing what they are telling the merchants they can't do.

George appointed Mayor Shoemaker, John Maher and Jon Faust to the committee.

The Mayor stated that he received complaints about loud music in the Park. He suggested that something be added to the park reservation form informing those who rent the pavilions that it is up to the discretion of the Borough regarding how loud the music can be played. Ron stated that the Borough cannot make it at the Borough's discretion if there is not way to check the decibel levels. The high noise level would have to be measured at the property line and be a constant sound.

The Mayor mentioned the ongoing problem of trash in the Park. It should be common sense for teams or anyone using the park to pick up empty water bottles, drink bottles or any paper that they leave behind. This should be an issue that the Wind Gap AA addresses with their coaches.

NEW BUSINESS

1. Award Street Paving Projects. Brian reviewed the project bid numbers for three projects: A Street, East First Street and F Alley. There is approximately \$60,000 in Liquid Fuels for the A Street Reconstruction and other funding in tipping fees. Brian recommends that Council approve reconstructing A Street as opposed to the alternate bid which was just to overlay the street.

On motion by Kerry Gassler to award the A Street Reconstruction Project to Muschlitz Excavating in the amount of \$95,631.55 and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

Alex Cortezzo asked if the sidewalk would be run the entire way up the street. Brian replied that it would be run up to the alley at this point. George said that the remaining sidewalk would up to the property owner. The developer's money (\$98,000) was put into an escrow account to make the necessary improvements based on the agreement to the properties and finish the street. John Maher stated that the Borough received a signed petition from the neighbors on East First Street regarding the weeds that are growing on the vacant lot. A letter has to be sent to the current property to cut the weeds or they will be cited. Prior to the vote, Mr. Karasek asked Council if they were going to award all three projects separately or as previously discussed the Borough has the right to accept or reject any or all bids, to increase or decrease quantities of any item and to eliminate an item or items.

On motion by Kerry Gassler to award the East First Street Paving Project to Eastern Industries in the amount of \$38,488.00 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to award the F Alley Paving Project to Hallett Contractors in the amount of \$4,226 and seconded by Tony Curcio. Roll call vote taken. In favor: J. Weaver, T. Curcio, J. Faust, D. Hess, J. Maher. Opposed: K. Gassler, G. Hinton. Motion carried with a vote of 5-2.

2. Enactment Ordinance 479 . International Property Maintenance Code.

On motion by John Maher to enact Ordinance 479 . International Property Maintenance Code and seconded by Tony Curcio.

John Maher reported that the committee revised the ordinance per Council's previous discussions and has been advertised and ready for enactment. Jon Faust stated that he acknowledges that Wind Gap needs an ordinance because of the complaints received in the borough; he thought that the Borough would adopt an ordinance that was more specific to Wind Gap's issues and problems. There are members sitting on Council that must get into compliance if this ordinance is enacted.

George appointed a new committee of Joe Weaver, Jon Faust and John Maher to revisit the International Property Municipal Code. John offered to have the committee report back to Council by September.

John Maher **rescinded his motion** to enact Ordinance 479.

OLD BUSINESS

1. George asked if a meeting had been scheduled to discuss the zoning ordinance regarding the signs. Kerry replied that they will have a meeting next week.
2. George reported that the Borough's Zoning Officer had requested the opportunity to take off a day during the week to come in on a Saturday once a month to patrol the Borough. He asked Council if they had any issues with this request. No one voiced their opposition. Kerry asked if Council would be receiving the zoning reports once a month. George will follow-up with the Zoning Officer.
3. **On motion** by Jon Faust that the Borough put the trail project on hold until Council finds out what money will have to be spent in the Park based on what recently happened there and what needs to be done and seconded by John Maher. Roll call vote taken. In favor: T. Curcio, J. Faust, G. Hinton, J. Maher. Opposed: K. Gassler, D. Hess, J. Weaver. Motion carried with a vote of 4-3.

On motion by Tony Curcio to adjourn the meeting of June 19, 2012. Council agreed unanimously. The meeting of June 19, 2012 adjourned at 8:52 p.m.

Louise Firestone, Borough Administrator